

SENATE JOURNAL
THIRTY-NINTH LEGISLATIVE DAY - FEBRUARY 17, 2005

SENATE JOURNAL
59TH LEGISLATURE
THIRTY-NINTH LEGISLATIVE DAY

Helena, Montana
February 17, 2005

Senate Chambers
State Capitol

Senate convened at 12:30 p.m. President Tester presiding. Invocation by Jesse DesRosier. Pledge of Allegiance to the Flag.

Roll Call. All members present, except Senators Balyeat, O'Neil, and Shockley, excused. Quorum present.

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 46

Nays: Balyeat, O'Neil, Shockley.
Total 3

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

REPORTS OF STANDING COMMITTEES

BILLS AND JOURNAL: 2/17/2005
Correctly printed: **SB 88, SB 168, SB 344, SB 347, SB 374, SB 375, SB 409, SB 418, SB 434, SB 466, SB 470, SJR 23, HB 447.**
Correctly engrossed: **SB 72, SB 281, SB 304, SB 317, SB 324, SB 339, SB 349, SB 376, SB 377, SB 412, SB 472.**
Correctly enrolled: **SB 60.**

BUSINESS, LABOR, AND ECONOMIC AFFAIRS (Cocchiarella, Chairman): 2/17/2005
SB 72, introduced bill, be amended as follows:

1. Title, page 1, line 6.
Following: "FOR"
Insert: "CERTAIN"

2. Page 1, line 11.
Following: "insurance."
Insert: "(1)"
Strike: "Upon"
Insert: "Except as provided in subsection (2), upon"

3. Page 1, line 18.
Following: "public service"
Insert: ", not to exceed 4 years of employer contributions or terminating when the employee becomes eligible for medicare under 42 U.S.C. 1395, as amended, whichever is sooner. The calculation of 5 full years applies"

4. Page 1.

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Following: line 18

Insert: "(2) A state employee who is a member of the teachers' retirement system provided for in Title 19, chapter 20, or the university system optional retirement program provided for in Title 19, chapter 21, is not entitled to the retirement incentive provided for in subsection (1)."

5. Page 1, lines 21 through 22.

Strike: ", and within" on line 21 through "system" on line 22

And, as amended, do pass. Report adopted.

SB 349, introduced bill, be amended as follows:

1. Title, page 1, line 8.

Strike: "COMPANY"

Insert: "BUSINESS"

2. Page 1, line 13.

Strike: "company"

Insert: "business"

3. Page 1, lines 19 through 20.

Following: "a person" on line 19

Strike: "or that" on line 19 through "a person" on line 20

4. Page 1, line 21.

Following: "(2)"

Insert: "(a)"

5. Page 1, lines 23 through 26.

Strike: "company"

Insert: "business"

Following: "(1)(a)."

Strike: "The rate" on line 23 through line 26

Insert: "(b) For the purposes of this section, "direct payment" means a method by which an insurance company makes a direct payment on behalf of an insured or a third party either through electronic means or by check to a car rental business.

(c) The insurance company may approve the daily rate to be paid by the insurance company based on the car classification.

(d) The insurance company is not obligated to pay more to the car rental business than is provided in the insured's policy limits pursuant to 33-23-203."

6. Page 1, lines 27 through 29.

Strike: subsection (3) in its entirety

7. Page 1.

Following: line 29

Insert: "(3) This section does not require an insurer to pay more for a comparable car rental than the lowest price negotiated between a car rental business and the insurer.

(4) This section does not prohibit an insurer, its producers, or its adjusters from providing to a customer the name of a car rental business with which arrangements may have been made to provide car rental services as long as the ultimate choice is left to the person described in subsection (1)(a)."

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And, as amended, do pass. Report adopted.

SB 412, introduced bill, be amended as follows:

1. Title, page 1, line 5 through line 7.

Strike: "THROUGH" on line 5 through "BOARD" on line 7

Following: "PROVIDING" on line 7

Strike: "THE BOARD AND"

2. Page 1, line 17 through line 28.

Strike: section 1 in its entirety

Renumber: subsequent sections

3. Page 1, line 30.

Strike: "2"

Insert: "1"

4. Page 2, line 1.

Strike: "15"

Insert: "14"

5. Page 2, line 2.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

6. Page 2, line 6.

Strike: "16"

Insert: "15"

7. Page 2, line 7.

Strike: "23"

Insert: "22"

8. Page 2, line 9.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

9. Page 2, line 11.

Strike: "16"

Insert: "15"

10. Page 2, line 12.

Strike: "23"

Insert: "22"

11. Page 2, line 14.

Strike: "board"

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Insert: "department"

12. Page 2, line 15.

Strike: "2"

Insert: "1"

Strike: "15"

Insert: "14"

13. Page 2, line 16.

Following: "inspectors."

Strike: remainder of line 16

14. Page 2, line 21.

Following: "provisions of ["

Strike: "2"

Insert: "sections 1"

Strike: "15"

Insert: "14"

15. Page 2, line 23.

Following: "determined by the"

Strike: "board"

Insert: "department"

Following: "known"

Strike: "by the department"

16. Page 2, line 25.

Strike: "board"

Insert: "department"

17. Page 2, line 26.

Following: "sections"

Strike: "2"

Insert: "1"

Strike: "15"

Insert: "14"

18. Page 2, line 28.

Strike: "2"

Insert: "1"

Strike: "15"

Insert: "14"

19. Page 2, line 29.

Strike: "2"

Insert: "1"

Strike: "15"

Insert: "14"

20. Page 2, line 30.

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Strike: "made"
Insert: "adopted"
Strike: "board"
Insert: "department"

21. Page 3, line 5.
Strike: the first "board"
Insert: "department"
Strike: "prescribed" through "and"

22. Page 3, line 9.
Strike: "board"
Insert: "department"

23. Page 3, line 11.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

24. Page 3, line 12.
Strike: "7"
Insert: "6"

25. Page 3, line 13.
Strike: "board" through "direct the"
Following: "department"
Strike: "to"
Insert: "shall"

26. Page 3, line 14.
Strike: "the board determines"

27. Page 3, line 17.
Strike: "Except as provided in subsection (3), the"
Insert: "The"

28. Page 3, line 18.
Strike: "6(2)(b)"
Insert: "5(2)(b)"
Strike: "board"
Insert: "department"

29. Page 3, lines 22 through 24.
Strike: subsections (3) and (4) in their entirety
Renumber: subsequent subsections

30. Page 3, line 27.

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Strike: "6(2)(b)"
Insert: "5(2)(b)"

31. Page 3, line 29.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

32. Page 4, lines 3 through 4.
Strike: "to the board" on line 3
Strike: "prescribed by" through "the board and" on line 4

33. Page 4, line 5.
Strike: "board may" through "authorize the"
Following: "department"
Strike: "to"
Insert: "may not"

34. Page 4, line 7.
Strike: "board"
Insert: "department"

35. Page 4, line 11.
Strike: "to the board"

36. Page 4, line 12.
Strike: "prescribed by the board and"

37. Page 4, line 13.
Strike: "board"
Insert: "department"

38. Page 4, line 20.
Strike: "22"
Insert: "21"

39. Page 4, line 21.
Strike: "board"
Insert: "department"

40. Page 4, line 22.
Strike: "board shall direct the"
Following: "department"
Strike: "to"
Insert: "shall"

41. Page 4, line 23.

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Strike: "the board determines"

42. Page 5, line 2.
Strike: "and the board"

43. Page 5, line 21.
Strike: "6 and 7"
Insert: "5 and 6"

44. Page 5, line 25.
Strike: "with the board"

45. Page 5, line 27.
Strike: "board"
Insert: "department"

46. Page 5, line 28.
Strike: "board"
Insert: "department"

47. Page 6, line 2.
Strike: "board shall direct the"
Following: "department"
Strike: "to"
Insert: "shall"

48. Page 6, line 6.
Strike: "board"
Insert: "department"
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

49. Page 6, line 7.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

50. Page 6, line 8.
Strike: "board"
Insert: "program"

51. Page 6, line 9.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

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52. Page 6, line 16.
Strike: "the board or"

53. Page 6, line 17.
Strike: "14"
Insert: "13"

54. Page 7, line 5.
Strike: "board"
Insert: "department"

55. Page 7, line 6.
Strike: "office"

56. Page 7, line 9.
Strike: "board"
Insert: "department"

57. Page 7, line 15.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

58. Page 7, line 21.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

59. Page 7, line 23.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

60. Page 7, line 24.
Strike: "board"
Insert: "department"

61. Page 7, line 25.
Strike: "2"
Insert: "1"
Strike: "15"
Insert: "14"

62. Page 7, line 26.

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Strike: "14"
Insert: "13"

63. Page 7, line 29.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

64. Page 8, line 17.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

65. Page 8, line 26.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

66. Page 9, line 8.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

67. Page 9, line 11.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

68. Page 9, line 13.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

69. Page 9, line 16.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

70. Page 9, line 17.
Strike: "16"
Insert: "15"
Strike: "23"
Insert: "22"

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71. Page 9, line 22.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

72. Page 9, line 27.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

73. Page 9, line 28.

Strike: "16"

Insert: "15"

74. Page 9, line 29.

Strike: "23"

Insert: "22"

75. Page 10, line 3.

Strike: "16"

Insert: "15"

76. Page 10, line 4.

Strike: "23"

Insert: "22"

77. Page 10, line 23.

Strike: "16"

Insert: "15"

78. Page 10, line 24.

Strike: "23"

Insert: "22"

79. Page 10, line 25.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

80. Page 11, line 13.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

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81. Page 11, line 28.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

82. Page 11, line 29.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

83. Page 12, line 24.

Strike: "state elevator board"

Insert: "department"

84. Page 13, lines 4 through 12.

Strike: section 26 in its entirety

Renumber: subsequent sections

85. Page 13, lines 14 through 16.

Strike: subsection (1) in its entirety

Renumber: subsequent subsections

86. Page 13, line 17.

Strike: "2"

Insert: "1"

Strike: "15"

Insert: "14"

87. Page 13, line 18.

Strike: "2"

Insert: "1"

Strike: "15"

Insert: "14"

88. Page 13, line 19.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

89. Page 13, line 20.

Strike: "16"

Insert: "15"

Strike: "23"

Insert: "22"

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90. Page 13, line 24.

Strike: "24"

Insert: "23"

And, as amended, do pass. Report adopted.

SB 434, do pass. Report adopted.

SB 466, do pass. Report adopted.

FISH AND GAME (Tropila, Chairman):

2/17/2005

SB 339, introduced bill, be amended as follows:

1. Title, line 4 through line 5.

Strike: "FREE" on line 4 through "CONSERVATION," on line 5

Insert: "A HALF-PRICE"

2. Title, line 5 through line 6.

Strike: ", AND CLASS A" on line 5 through "LICENSES" on line 6

Insert: "LICENSE"

3. Title, line 7.

Strike: "A"

Insert: "AN OUT-OF-STATE"

4. Title, line 8.

Strike: "EACH OF THE SUCCEEDING 4 YEARS"

Insert: "THE FOLLOWING YEAR"

5. Title, line 10.

Strike: "CONTINGENT OPERATIONS"

Insert: "AN OUT-OF-STATE CONTINGENCY OPERATION"

6. Title, line 11.

Strike: "FREE LICENSES"

Insert: "HALF-PRICE LICENSE"

Strike: "5-YEAR"

Insert: "2-YEAR"

7. Title, line 12.

Strike: "87-2-202, 87-2-301,"

Following: "87-2-711"

Strike: ", "

8. Page 1, line 17 through page 3, line 5.

Strike: section 1 through section 2 in their entirety

Renumber: subsequent sections

9. Page 3, line 15.

Strike: "free"

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Insert: "half-price"

10. Page 3, line 21.

Strike: "free"

Insert: "half-price"

11. Page 3, line 30.

Strike: "free"

Insert: "half-price"

12. Page 4, line 3.

Strike: "free"

Insert: "half-price"

13. Page 6, line 7.

Following: "101(a)(13)"

Insert: "that required the member to serve at least 6 months outside of the state"

14. Page 6, line 8.

Strike: "resident wildlife conservation license, a"

Insert: "half-price"

15. Page 6, line 9.

Following: "sports license"

Insert: ", except a bear license"

Strike: "and a Class A resident fishing license free of charge"

16. Page 6, line 11.

Strike: "any of the 4"

Insert: "the"

Strike: "years"

Insert: "year"

Strike: "Members"

Insert: "A member"

17. Page 6, line 11 through line 12.

Strike: "contingency" on line 11 through "operations" on line 12

Insert: "a contingency operation"

Following: "February 28, 2006," on line 12

Insert: "that required the member to serve at least 6 months outside of the state"

Strike: "their"

Insert: "an"

18. Page 6, line 13.

Strike: "resident wildlife conservation license, a"

Insert: "half-price"

19. Page 6, line 13 through line 14.

Strike: ", and a" on line 13 through "charge" on line 14

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20. Page 6, line 14.
Strike: "any of the 4"
Insert: "the"
Strike: "years"
Insert: "year"

21. Page 6, line 16.
Strike: "free wildlife conservation"
Insert: "half-price Class AAA resident combination sports"

22. Page 6, line 18 through line 19.
Strike: "or" on line 18 through "parks." on line 19

And, as amended, do pass. Report adopted.

JUDICIARY (Wheat, Chairman):
SB 470, do pass. Report adopted.
SB 472, introduced bill, be amended as follows:

2/17/2005

1. Page 1, line 15.
Following: "commissioners."
Strike: "The"
Insert: "Upon a request of a state agency or city government and upon mutually agreeable terms, the"

2. Page 1, line 17.
Following: "projects"
Insert: "for purposes of this section"

And, as amended, do pass. Report adopted.

SJR 23, be adopted. Report adopted.

NATURAL RESOURCES (Roush, Chairman):
SB 376, introduced bill, be amended as follows:

2/17/2005

1. Title, line 5.
Following: "STATEMENT ON THE"
Insert: "PROPOSED DESIGNATION OF THE"

2. Title, line 7.
Following: "CREEK"
Insert: "AS AN OUTSTANDING RESOURCE WATER"

3. Page 1, line 13.
Strike: " -- limitation"

4. Page 1, line 16.
Following: "waters"
Strike: "in"
Insert: "flowing from"

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5. Page 1, line 17.

Following: "possible"

Insert: "in conformance with the constitutional provision providing for a clean and healthful environment"

6. Page 1, line 23.

Following: "statement on the"

Insert: "proposed designation of the"

7. Page 1, line 24.

Following: "Creek"

Insert: "as an outstanding resource water"

8. Page 5, line 13 through line 14.

Strike: section 5 in its entirety

Renumber: subsequent sections

9. Page 5, line 18 through line 19.

Strike: section 7 in its entirety

Renumber: subsequent sections

And, as amended, do pass. Report adopted.

SB 377, introduced bill, be amended as follows:

1. Page 1, line 17.

Following: "means"

Insert: ": (a)"

Following: "75-6-102"

Insert: "; and

(b) the use of water by a county, city, town, school district, or county water or sewer district through an integrated system or a common plan to provide the water and the water requirements of a particular service area"

2. Page 2, line 5.

Following: "means"

Insert: ": (a)"

Following: "75-6-102"

Insert: "; and

(b) the use of water by a county, city, town, school district, or county water or sewer district through an integrated system or a common plan to provide the water and the water requirements of a particular service area"

3. Page 2, line 17.

Following: "means"

Insert: ": (a)"

Following: "75-6-102"

Insert: "; and

(b) the use of water by a county, city, town, school district, or county water or sewer district through an integrated system or a common plan to provide the water and the water requirements of a particular service area"

4. Page 3, line 11.

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Following: "means"

Insert: ": (i)"

5. Page 3, line 12.

Following: "75-6-102"

Insert: "; and

(ii) the use of water by a county, city, town, school district, or county water or sewer district through an integrated system or a common plan to provide the water and the water requirements of a particular service area"

And, as amended, do pass. Report adopted.

PUBLIC HEALTH, WELFARE AND SAFETY (Cromley, Chairman):
SB 281, introduced bill, be amended as follows:

2/17/2005

1. Title, line 7.

Following: "WILDLIFE;"

Insert: "PROVIDING CONDITIONS WHEN MITIGATION MAY BE IMPOSED;"

2. Page 4, line 24.

Following: "(5)(a)(ii)"

Insert: "and (5)(a)(iii)"

3. Page 4, line 26.

Following: "based on"

Insert: "likely"

4. Page 4, line 28.

Following: "wildlife"

Insert: "if a project sponsor and an agency have not, pursuant to subsection (5)(b), addressed the impacts identified in the environmental review. In implementing this subsection (5)(a)(ii), an agency is not required to impose conditions based on identified impacts, but the agency may not arbitrarily or capriciously decline to impose conditions.

(iii) Before an agency may impose conditions on a permit or other authority to act based on subsection (5)(a)(ii), the agency shall make a written finding based on evidence in the agency record that a proposed mitigation condition:

(A) protects public health and safety and fish and wildlife;

(B) mitigates and is relevant to an impact on public health and safety and fish and wildlife identified through the process provided in subsection (5)(a)(ii); and

(C) is reasonable, economically feasible, and achievable using current technology"

5. Page 5, line 1.

Following: "(5)(c)(ii)"

Insert: "and (5)(c)(iii)"

6. Page 5, line 3.

Following: "based on"

Insert: "likely"

7. Page 5, line 5.

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Following: "wildlife."

Insert: "In implementing this subsection (5)(c)(ii), an agency is not required to impose conditions based on identified impacts, but the agency may not arbitrarily or capriciously decline to impose conditions.

(iii) Before an agency may impose a condition on a permit or other authority to act based on subsection (5)(c)(ii), the agency shall make a written finding based on evidence in the agency record that the proposed mitigation condition:

- (A) protects public health and safety and fish and wildlife;
- (B) mitigates and is relevant to impacts on public health and safety and fish and wildlife identified through the process provided in subsection (5)(c)(ii); and
- (C) is reasonable, economically feasible, and achievable using current technology."

And, as amended, do pass. Report adopted.

SB 317, introduced bill, be amended as follows:

1. Page 1, line 19.

Following: line 18

Insert: "(2) "Control or governance" means the possession, indirect or direct, of the power to direct or cause the direction of the management and policies of a person or entity, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise unless the power is solely the result of an official position with a corporate office held by the person."

Renumber: subsequent subsections

2. Page 1, line 20.

Strike: "conversion,"

3. Page 1, line 21.

Following: "disposition"

Insert: "by a nonprofit health entity or another person or entity"

Following: "governance"

Insert: "to a person or entity other than the nonprofit health entity"

4. Page 1, line 22.

Strike: "full"

5. Page 1, line 23.

Strike: "full"

6. Page 1, line 25 and line 26.

Following: "transactions."

Strike: remainder of line 25 through "mission." on line 26

Insert: "In determining the value of a tangible asset under this definition, the value of the asset must be calculated net of any mortgage, lien, or other encumbrance on the asset that exists of record."

7. Page 1, line 27.

Following: "include"

Insert: ":",
(i)"

8. Page 1, line 28.

Following: "result in a"

Insert: "material"

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9. Page 1, line 29.

Following: "mission"

Strike: ", including but not limited to:"

Insert: ";

(ii) a transaction or series of transactions in the ordinary course of a nonprofit health entity's business if the effect of the transaction or series of transactions is not to convert the nonprofit health entity from a nonprofit to a for-profit entity, to transfer the nonprofit health entity's business or operations to a for-profit entity, or to transfer the control or benefit of public assets to a mutual benefit or for-profit entity;

(iii) awards, grants, or payments to or on behalf of intended members or beneficiaries, consistent with the lawful purposes of a nonprofit health entity;

(iv) a change in the membership of the board of directors or officers of the nonprofit health entity or a wholly owned subsidiary of the nonprofit health entity if the change in membership does not result in a change in the nonprofit corporate status of the nonprofit health entity, does not result from a transfer of control, governance, or ownership of the nonprofit health entity, and does not result from exercise of a power of appointment of directors or officers of the nonprofit health entity or a wholly owned subsidiary of the nonprofit health entity;

(v) settlement, satisfaction, or payment of a claim or suit against or debt of the nonprofit health entity or a wholly owned subsidiary of the nonprofit health entity incurred in the ordinary course of business;

(vi) execution of a promissory note, guaranty, or other evidence of indebtedness for the amount of a loan, the proceeds of which are paid solely to the nonprofit health entity or a wholly owned subsidiary of the nonprofit health entity;

(vii) any payment, transfer, or other transaction required by law or by order of any authorized administrative officer or agency, including but not limited to payment of taxes, fees, fines, penalties, or other assessments to a government or a nonprofit health entity or a transaction ordered by the commissioner or the attorney general;

(viii) purchases, sales, or transfers in the ordinary course of business for fair market value of cash or cash equivalents owned by the nonprofit health entity or any wholly owned subsidiary in exchange for goods, products, services, or an interest in property, including negotiable instruments as defined in 30-3-104, to be held by the nonprofit health entity or its wholly owned subsidiary;"

Renumber: subsequent subsections

10. Page 2, line 4.

Following: "encumbrance;"

Strike: "or"

11. Page 2, line 5.

Strike: "full"

12. Page 2, line 7.

Following: "subsidiary"

Insert: "; or

(xi) any other transaction or proposed transaction for fair market value if:

(A) the nonprofit health entity or its wholly owned subsidiary retains or will retain substantially the same degree of control, governance, or ownership of the proceeds of the transaction that the nonprofit health entity or its wholly owned subsidiary held in the assets or operations prior to the transaction or proposed transaction;

(B) the nonprofit health entity maintains its operations as a nonprofit health entity and public assets are maintained as public assets; and

(C) none of the assets or operations of the nonprofit health entity or its wholly owned subsidiary inure or will inure directly or indirectly to the benefit of any officer, director, trustee, or employee of the nonprofit health entity or its wholly owned subsidiary"

13. Page 2, line 8 through line 12.

Strike: subsection (3) in its entirety

Insert: "(4) "Fair market value" means the fair market value as of the date of the transaction or proposed transaction as determined by an independent appraisal of the assets or operations performed and communicated by a qualified appraiser according to applicable professional appraisal standards."

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14. Page 2, line 14.

Following: line 13

Insert: "(6) "Health service corporation" has the meaning provided in 33-30-101."

Renumber: subsequent subsections

15. Page 2, line 16.

Strike: ", as defined in 33-30-101"

16. Page 2, line 19.

Following: line 18

Insert: "(8) "Ordinary course of business" means with respect to a transaction or disposition that the transaction comports the usual and customary practices on the kind of business in which the nonprofit health entity is engaged."

Renumber: subsequent subsections

17. Page 3, line 9.

Strike: "information may be considered"

18. Page 3, line 10.

Strike: "or"

Insert: "and"

Following: "secrets"

Insert: "are protected from public disclosure"

Following: "6]"

Insert: "to the extent allowed by law"

19. Page 3, line 13.

Following: "powers."

Insert: "(1)"

20. Page 3, line 17.

Following: line 16

Insert: "(2) Nothing in [sections 1 through 18] precludes the attorney general or commissioner from seeking a declaratory judgment on whether an action may be considered a conversion transaction or a transaction in the ordinary course of business."

21. Page 3, line 27.

Following: "conversion"

Insert: "and the extent to which the assets proposed to be converted are public assets"

22. Page 4, line 1.

Strike: "full"

23. Page 4, line 3.

Following: "entity;"

Insert: "and"

24. Page 4, line 4 through line 5.

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Following: "expert" on line 4

Strike: remainder of line 4 through "transaction" on line 5

25. Page 4, line 8.

Strike: "rule"

Insert: "law"

26. Page 4, line 12.

Following: "record"

Insert: ", except that any proprietary information or trade secret that may by law be kept confidential is not a public record"

27. Page 5, line 6.

Following: "2-4-612"

Strike: ", "

Insert: "through"

28. Page 5, line 20.

Strike: "full"

29. Page 6, line 12 and line 13.

Strike: "90 calendar days after"

Insert: "on"

Following: "on which"

Strike: remainder of line 12 through "earlier" on line 13

Insert: "both the commissioner and the attorney general have issued orders under [section 11]"

30. Page 6, line 17.

Following: "interest."

Insert: "If the attorney general determines that the transaction does not involve public assets, the attorney general may not disapprove the conversion transaction under the provisions of [sections 1 through 18]."

31. Page 6, line 20.

Strike: "full"

32. Page 6, line 21.

Strike: "full"

33. Page 6, line 23.

Strike: "full"

34. Page 6, line 30.

Strike: "fair"

Insert: "reasonable"

35. Page 7, line 11.

Strike: "full"

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36. Page 7, line 12 through line 13.

Strike: "full"

Following: "factors"

Strike: remainder of line 12 through "general" on line 13

Insert: "that may include but are not limited to"

37. Page 7, line 25.

Following: "interest."

Insert: "If the attorney general determines that the transaction does not involve public assets, the commissioner may not disapprove the conversion transaction under the provisions of [sections 1 through 18]."

38. Page 8, line 8.

Strike: "fair"

Insert: "reasonable"

39. Page 9, line 9.

Following: "transaction"

Insert: "that are public assets"

And, as amended, do pass. Report adopted.

SB 324, introduced bill, be amended as follows:

1. Title, line 13.

Following: "MCA;"

Strike: "AND"

2. Title, line 14.

Following: "2003"

Insert: "; AND PROVIDING AN EFFECTIVE DATE"

3. Page 2.

Following: line 5

Insert: "(7)(a) The department may not contract with either an in-state or out-of-state mail service pharmacy, as defined in 37-7-702, for the purposes of the pharmacy access program for at least 1 year after persons eligible for the program have begun to purchase drugs through the program. At that time, the department shall evaluate the number of pharmacies within the state providing prescription drugs as part of the pharmacy access program.

(b) If the department determines that there are insufficient pharmacies participating in the program to allow reasonable access to persons qualified to purchase prescription drugs through the program, it may, after the evaluation provided for in subsection (7)(a), use one or more in-state or out-of-state mail service pharmacies, or both, for the purposes of the program."

4. Page 4, line 14.

Following: "shall"

Insert: ", if the department determines that sufficient funds are available,"

5. Page 6, line 4 and line 5.

Following: "they" on line 4

Strike: remainder of line 4 through "and" on line 5

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6. Page 6, line 5.

Following: the second "equivalent"

Insert: "and the department determines them to be cost-effective"

7. Page 6, line 10.

Strike: "shall"

Insert: "may"

Strike: ", rebates and supplemental rebates,"

8. Page 6.

Following: line 30

Insert: "NEW SECTION. Section 11. Effective date. [This act] is effective July 1, 2005."

And, as amended, do pass. Report adopted.

STATE ADMINISTRATION (Squires, Chairman):

2/17/2005

SB 347, do pass. Report adopted.

SB 418, do pass. Report adopted.

MESSAGES FROM THE OTHER HOUSE

House bills passed and transmitted to the Senate for concurrence:

2/17/2005

HB 16, introduced by Ripley

HB 177, introduced by A. Olson

HB 232, introduced by Noennig

HB 304, introduced by Rice

HB 331, introduced by Wanzenried

HB 365, introduced by Maedje

HB 366, introduced by Koopman

HB 437, introduced by Caferro

HB 508, introduced by Hendrick

HB 530, introduced by Matthews

Senate bill concurred in and returned to the Senate:

2/17/2005

SB 1, introduced by Esp

MOTIONS

Senator Cooney moved **SB 447** be moved from Senate State Administration to Senate Finance and Claims. Motion carried.

Senator Gallus moved **SB 484** be moved from Senate State Administration to Senate Finance and Claims. Motion carried.

Senator Gallus moved **SB 491** be moved from Senate State Administration to Senate Finance and Claims. Motion carried.

Senator Ryan moved **SB 341** be moved from Senate Education and Cultural Resources to Senate Finance and Claims. Motion carried.

**SECOND READING OF BILLS
(COMMITTEE OF THE WHOLE)**

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Senator Ellingson moved the Senate resolve itself into a Committee of the Whole for consideration of business on second reading. Motion carried. Senator Harrington in the chair.

Mr. President: We, your Committee of the Whole, having had under consideration business on second reading, recommend as follows:

SB 344 - Senator Wheat moved **SB 344** do pass. Motion carried as follows:

Yeas: Black, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Roush, Shockley, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 30

Nays: Bales, Balyeat, Barkus, Brueggeman, Curtiss, Esp, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, Perry, Ryan, Schmidt, Steinbeisser, Story, Tash, Tropila.
Total 19

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

HB 447 - Senator Cooney moved **HB 447** be concurred in. Motion carried as follows:

Yeas: Bales, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Balyeat, McGee, O'Neil, Shockley.
Total 4

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 374 - Senator Cooney assumed the chair.

SB 374 - Senator Wheat moved **SB 374** do pass. Motion carried as follows:

Yeas: Cocchiarella, Cooney, Ellingson, Elliott, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 25

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cromley, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Keenan, Laible, Lewis, McGee, O'Neil, Perry, Smith, Steinbeisser, Story, Tash, Tropila.
Total 24

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

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SB 375 - Senator Wheat moved **SB 375** do pass. Motion carried as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Mangan, Moss, Pease, Roush, Ryan, Shockley, Smith, Squires, Toole, Tropila, Wheat, Williams, Mr. President.

Total 28

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Lind, McGee, O'Neil, Perry, Schmidt, Steinbeisser, Story, Tash, Weinberg.

Total 21

Absent or not voting: None.

Total 0

Excused: Stapleton.

Total 1

SB 409 - Senator Gallus moved **SB 409** do pass. Motion carried with Senators Curtiss and McGee voting nay.

SB 88 - Senator Squires moved **SB 88** do pass. Motion carried as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 33

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Esp, Essmann, Gebhardt, Grimes, McGee, O'Neil, Perry, Steinbeisser, Story, Tash.

Total 15

Absent or not voting: Keenan.

Total 1

Excused: Stapleton.

Total 1

SB 168 - Senator Mangan moved **SB 168** do pass. Motion carried as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Steinbeisser, Tropila, Weinberg, Wheat, Williams, Mr. President.

Total 36

Nays: Bales, Balyeat, Curtiss, Esp, Essmann, Keenan, McGee, O'Neil, Shockley, Story, Tash, Toole.

Total 12

Absent or not voting: None.

Total 0

Excused: Grimes, Stapleton.

Total 2

SB 173 - Senator Hawks moved **SB 173** do pass.

SB 173 - Senator Esp moved **SB 173**, second reading copy, be amended as follows:

1. Page 1, line 15 through page 2, line 30.

Strike: section 1 in its entirety

Renumber: subsequent sections

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2. Page 3, line 2.
Strike: "9"
Insert: "8"

3. Page 3, line 25.
Strike: "3"
Insert: "2"
Strike: "4"
Insert: "3"

4. Page 4, line 6.
Strike: "9"
Insert: "8"

5. Page 4, line 24.
Strike: "9"
Insert: "8"

6. Page 5, line 2.
Strike: "9"
Insert: "8"

7. Page 5, line 8.
Strike: "9"
Insert: "8"

8. Page 5, line 10.
Strike: "9"
Insert: "8"

9. Page 5, line 13.
Strike: "9"
Insert: "8"

10. Page 5, line 14.
Strike: "9"
Insert: "8"

11. Page 5, line 15.
Strike: "4(1)"
Insert: "3(1)"

12. Page 5, line 18.
Strike: "9"
Insert: "8"

13. Page 5, line 30.

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Strike: "4"
Insert: "3"

14. Page 6, line 1.
Strike: "4 or 5"
Insert: "3 or 4"

15. Page 6, line 2.
Strike: "8"
Insert: "7"

16. Page 6, line 10.
Strike: "6"
Insert: "5"

17. Page 6, line 14.
Strike: "7"
Insert: "6"

18. Page 6, line 18.
Strike: "4 or 5"
Insert: "3 or 4"

19. Page 6, lines 28 and 29.
Following: "possible" on line 28
Strike: remainder of line 28 through "practicable" on line 29

20. Page 8, line 5.
Strike: "9"
Insert: "8"

21. Page 8, line 7.
Strike: "9"
Insert: "8"

Amendment adopted as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Gallus, Gebhardt, Grimes, Hawks, Keenan, Kitzenberg, Laible, Laslovich, Lewis, McGee, O'Neil, Perry, Ryan, Shockley, Steinbeisser, Story, Tash.
Total 27

Nays: Cooney, Cromley, Ellingson, Essmann, Gillan, Hansen, Harrington, Larson, Lind, Mangan, Moss, Pease, Roush, Schmidt, Smith, Squires, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 22

Absent or not voting: None.
Total 0

Excused: Stapleton.

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Total 1

SB 173 - Senator McGee moved **SB 173**, second reading copy, be further amended as follows:

1. Page 4, line 23.
Following: "LAND"
Insert: ", tracts of record,"

Amendment adopted unanimously.

SB 173 - Senator Hawks moved **SB 173**, second reading copy, be further amended as follows:

1. Title, page 1, line 5.
Strike: "AND STREAMS"
2. Page 3, line 11.
Following: "lakes"
Insert: "and reservoirs"
3. Page 3, line 24.
Strike: "stream or"
4. Page 3, line 30 through page 4, line 1.
Strike: line 30 on page 3 through line 1 on page 4
Renumber: subsequent subsections
5. Page 4, line 2.
Strike: "100"
Insert: "75"
6. Page 5, line 3.
Strike: "MUNICIPAL"
Insert: "public"
7. Page 5, line 10.
Following: "."
Insert: "A political subdivision is encouraged to adopt waterside management corridors for streams."
8. Page 7, line 24 through line 25.
Strike: "AND 15" on line 24 through "STREAMS" on line 25

Amendment adopted unanimously.

SB 173 - Senator Hawks moved **SB 173**, as amended, do pass. Motion **failed** as follows:

Yeas: Cocchiarella, Cooney, Cromley, Ellingson, Gallus, Gillan, Hansen, Harrington, Hawks, Kitzenberg, Larson, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Squires, Toole, Tropila, Weinberg, Wheat, Williams.
Total 24

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Curtiss, Elliott, Esp, Essmann, Gebhardt, Grimes, Keenan, Laible, Laslovich, Lewis, McGee, O'Neil, Perry, Shockley, Smith, Steinbeisser, Story, Tash, Mr. President.
Total 25

Absent or not voting: None.
Total 0

Excused: Stapleton.

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Total 1

SB 173 - Senator Esp moved **SB 173** be **indefinitely postponed**. Motion carried as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Elliott, Esp, Essmann, Gebhardt, Gillan, Grimes, Keenan, Laible, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Shockley, Smith, Steinbeisser, Story, Tash, Mr. President.
Total 28

Nays: Cooney, Cromley, Ellingson, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lind, Moss, Roush, Ryan, Schmidt, Squires, Toole, Tropila, Weinberg, Wheat, Williams.
Total 21

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

Senator Ellingson moved the committee rise and report. Motion carried. Committee arose. Senate resumed. President Tester in the chair. Chairman Cooney moved the Committee of the Whole report be adopted. Report adopted unanimously.

THIRD READING OF BILLS

The following bills having been read three several times, title and history agreed to, were disposed of in the following manner:

HB 38 concurred in as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hawks, Keenan, Kitzenberg, Laible, Larson, Lewis, Lind, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Mr. President.
Total 37

Nays: Cooney, Ellingson, Grimes, Hansen, Harrington, Laslovich, Mangan, Moss, Schmidt, Weinberg, Wheat, Williams.
Total 12

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 199 passed as follows:

Yeas: Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Gallus, Gillan, Hansen, Harrington, Hawks, Larson, Laslovich, Lind, Mangan, Moss, Roush, Ryan, Schmidt, Smith, Squires, Toole, Weinberg, Wheat, Williams, Mr. President.
Total 26

Nays: Bales, Balyeat, Barkus, Black, Brueggeman, Curtiss, Esp, Essmann, Gebhardt, Grimes, Keenan, Kitzenberg, Laible, Lewis, McGee, O'Neil, Pease, Perry, Shockley, Steinbeisser, Story, Tash, Tropila.
Total 23

Absent or not voting: None.
Total 0

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Excused: Stapleton.
Total 1

SB 279 passed as follows:

Yeas: Barkus, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 40

Nays: Bales, Balyeat, Black, Esp, Laible, Lewis, McGee, Steinbeisser, Story.
Total 9

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 290 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 45

Nays: Curtiss, McGee, O'Neil, Steinbeisser.
Total 4

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 295 passed as follows:

Yeas: Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Schmidt, Shockley, Smith, Squires, Steinbeisser, Tash, Toole, Tropila, Weinberg, Williams, Mr. President.
Total 39

Nays: Bales, Balyeat, Cooney, Keenan, Laible, McGee, O'Neil, Ryan, Story, Wheat.
Total 10

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 308 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Smith, Squires,

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Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Mr. President.
Total 46

Nays: Ellingson, Schmidt, Williams.
Total 3

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 318 passed as follows:

Yeas: Bales, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 39

Nays: Balyeat, Barkus, Curtiss, Esp, Keenan, McGee, Shockley, Smith, Steinbeisser, Story.
Total 10

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 320 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Curtiss, Esp, Essmann, Gallus, Gebhardt, Grimes, Hansen, Harrington, Keenan, Kitzenberg, Laible, Larson, Lewis, Mangan, McGee, O'Neil, Pease, Perry, Roush, Ryan, Shockley, Smith, Steinbeisser, Story, Tash, Tropila, Mr. President.
Total 34

Nays: Cooney, Cromley, Ellingson, Elliott, Gillan, Hawks, Laslovich, Lind, Moss, Schmidt, Squires, Toole, Weinberg, Wheat, Williams.
Total 15

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 355 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

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Excused: Stapleton.
Total 1

SB 365 passed as follows:

Yeas: Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Larson, Laslovich, Lewis, Lind, Mangan, Moss, Pease, Perry, Roush, Ryan, Schmidt, Smith, Squires, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 37

Nays: Bales, Balyeat, Barkus, Black, Curtiss, Grimes, Laible, McGee, O'Neil, Shockley, Steinbeisser, Story.
Total 12

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 368 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SB 369 passed as follows:

Yeas: Bales, Balyeat, Barkus, Black, Brueggeman, Cobb, Cocchiarella, Cooney, Cromley, Curtiss, Ellingson, Elliott, Esp, Essmann, Gallus, Gebhardt, Gillan, Grimes, Hansen, Harrington, Hawks, Keenan, Kitzenberg, Laible, Larson, Laslovich, Lewis, Lind, Mangan, McGee, Moss, O'Neil, Pease, Perry, Roush, Ryan, Schmidt, Shockley, Smith, Squires, Steinbeisser, Story, Tash, Toole, Tropila, Weinberg, Wheat, Williams, Mr. President.
Total 49

Nays: None.
Total 0

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

SJR 11 adopted as follows:

Yeas: Black, Brueggeman, Cocchiarella, Cooney, Cromley, Ellingson, Elliott, Essmann, Gallus, Hansen, Harrington, Hawks, Kitzenberg, Laible, Larson, Lewis, Lind, Mangan, Moss, Pease, Roush, Ryan, Schmidt, Shockley, Squires, Steinbeisser, Toole, Tropila, Weinberg, Mr. President.
Total 30

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Nays: Bales, Balyeat, Barkus, Cobb, Curtiss, Esp, Gebhardt, Gillan, Grimes, Keenan, Laslovich, McGee, O'Neil, Perry, Smith, Story, Tash, Wheat, Williams.
Total 19

Absent or not voting: None.
Total 0

Excused: Stapleton.
Total 1

ANNOUNCEMENTS

Committee meetings were announced by the committee chairs.

Majority Leader Ellingson moved that the Senate adjourn until 12:00 p.m., Friday, February 18, 2005. Motion carried.

Senate adjourned at 3:07 p.m.

BILL LOMBARDI
Secretary of Senate

JON TESTER
President of the Senate